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SEP 23 2004

In re Application of : **OFFICE OF PETITIONS**  
Hong-Jik Doo :  
Application No. 10/773,242 : ON PETITION  
Deposited: February 9, 2004 :  
Attorney Docket No.: 956-1001 :  
Title of Invention: Personal :  
Thermotherapy Instrument :  
:

This is a decision on the Petition for Filing Date filed July 29, 2004, requesting that the above-identified application be accorded the filing date of February 9, 2004.

Application papers in the above-identified application were deposited on February 9, 2004. However, on July 26, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.<sup>1</sup>

In response, 10 sheets of drawings, including figures 1-10 and the present petition were filed on July 29, 2004. The petition contends that the application as filed included 10 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicant's postcard receipt which acknowledges receipt in the office of "10 pages of Drawings (FIGS. 1-10)" on February 9, 2004.

Applicant's postcard receipt is prima facie<sup>2</sup> evidence that drawings were received on February 9, 2004, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is

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<sup>1</sup>See 35 U.S.C. 111(a) (4)

<sup>2</sup>A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

concluded that 10 sheets of drawings, including figures 1-10, were received on February 9, 2004, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted. Accordingly, deposit account 50-2827 is being credited with the \$130.00 petition fee.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on July 29, 2004, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of February 9, 2004, using the 10 sheets of drawings supplied on July 29, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

*Charlema R. Grant*

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Petitions Attorney  
Office of Petitions